notifying by the customer terminal each, respective customer
of the points issued to each, respective customer as primary data
through the store terminal, and prior to transactions performed
by the customer.

63.   (ONCE AMENDED)   A point management method of a computer
and managing points issued to each customer, each customer
receiving service according to the issued points, [said computer
comprising and] said point management method comprising the steps
of:

accumulating, by the computer, points issued to each,
respective customer <u>for more than two events</u>;

<u>changing a point calculation rate according to each of the
more than two events;</u> and

notifying, by the computer, each, respective customer of the
points issued to each, respective customer by one of images,
voice, and both, and prior to transactions performed by the
customer.

REMARKS

In the Office Action mailed November 29, 1996, claims 1-3,
11, 13-18, 21, 22, 31, 40-42, and 45-63 were rejected under 35
U.S.C. §103 as being unpatentable over <u>Girouard et al.</u>, U.S.
Patent No. 4,892,346, and claims 43, 44, and 64 were rejected
under 35 U.S.C. §103 as being unpatentable over <u>Girouard et al</u> in
view of <u>Vela et al.</u>, U.S. Patent No. 4,882,724. The foregoing
rejections are traversed.

The present invention is a point management system which
manages service points issued to customers through customer or
store terminals according to customer's transactions. The
service points are used to provide the customers with sales
promotion services. The present invention comprises a service
point management system for sales promotion services in retail

sales, employing a computer for managing points issued to each customer who receives service according to the points.   The service point management system of the present invention comprises a point issuer issuing points to the customer according to transactions performed by the customer, a point accumulator calculating and accumulating the issued points, a point notifier notifying the customer of point information, and a customer identifier identifying the customer according to customer identification data entered through a customer or store terminal. In the present invention, a "rate management means" allows points from different types of service events to be counted in one accumulator.

Girouard discloses a computer system and method for automating advertising and promotional campaigns in a mall.   The Girouard apparatus includes a magnetic strip card reader, a bar code reader, a monitor, a keyboard, and a touchscreen input device.   In the Girouard apparatus, advertisements are displayed on the monitor, which depends upon customers being attracted to the monitor.

Girouard further discloses a "frequent purchaser routine", from which a "view balance routine" can be selected.   The results of the execution of the foregoing routines are vague from the disclosure of Girouard.

As shown in Fig. 7 of Girouard, the Promotion Network Program first executes set up routines (shown in Figs. 8, and 10-15), which initialize the system settings, in step 66.   Then, the Main Menu routine is executed, which is shown in step 70 and described in detail in Fig. 19, to accept shoppers' requests. Next, in the Girouard apparatus, the Increment Corresponding Counter (step 73) is executed, which counts the number of time that the selection of services in step 72 is YES, meaning that a selection is made by the customer or shopper.   The Execute Selected Programs step 74 leads into executing programs in boxes

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76 and 80, and into determining which the program timed out in step 78. If not, control is returned to the Main Menu Routine in step 70.

As shown in Fig. 58 of Girouard, the counter 1170 accumulates the number of services requested at visits for each customer ID-1168. The Count Set Up Routine in Fig. 62 sets up an accumulated number for each customer. Fig. 59 of Girouard shows a frequent shopper file which appears to track visit information in detail for frequent shoppers, with the "Number of Visits" accumulated in counter 1180.

In Girouard, therefore, the above-mentioned counter 1170 and counter 1180 accumulate the original form of service points, and a coupon is calculated and printed out upon shopper request.

Also in Girouard, the coupons service (Fig. 7, step 76, and Figs. 31A and 31B) is a type of selected program by the Main Menu Routines shown in Fig. 7, step 70. The coupons are accumulated as shown in steps 692-720 shown in Figs. 31A and 31B of Girouard, and are printed out (4 coupon sheets are printed out as one sheet) for each visit stored in area 1076 of the coupon file shown in Fig. 49. Girouard describes shopper coupon service in Figs. 63A and 63B based only on the "Increment Number of Visits" 1268 and the "Prize Level" 1272, in which coupons are printed onto a sheet of paper in 1290.

Girouard, though, does not disclose or suggest combining two accumulators of service points into one, as in the present invention. Further, in Girouard, two accumulators for two events each counts the service points for its own event.

On the other hand, and in complete contrast to Girouard, the present invention has one accumulator of service points, which are calculated automatically from many pieces of serviceable, original data when the service events have occurred. Also in the present invention, and in contrast to Girouard, any service can be converted into service points corresponding to its rate.

Further, the present invention patentably distinguishes over
Girouard in the coupon generating process, in its treated media
(whether the coupon is printed out on a sheet of paper or not),
and its wide range of applications of service.

Further, a card-oriented system, such as the _Girouard_
apparatus, is not able to give service points from one person to
another, card-to-card, or to a group or public organization
through shop independent service or exchange by rate between
shops, as in the present invention.

Also in contrast to the _Girouard_ apparatus, the present
invention does not require the use of a bar code reader (as shown
in each of Figures 1-5 of _Girouard_).

In the Action, the Examiner relied on _In re Porter_, 20 USPQ
298 in asserting "it has been held that the omission of an
element with the subsequent loss of its function is obvious".
The Examiner's application of _In re Porter_ to the claims of the
present application is traversed. The Court of Customs and
Patent Appeals (CCPA) asserted "...if the omission of an element
is attended by a corresponding omission of the functions
performed by that element, there is no invention if the elements
retained perform the same functions as before" (emphasis added),
In re Porter, 20 USPQ at 301. Accordingly, the elements retained
must collectively perform the same functions as the elements
omitted, to rely upon _In re Porter_ as above. However, the
limitations removed from claim 1 in the Amendment filed August
28, 1996 (which Amendment was filed by Certificate of Mailing
dated August 26, 1996) would limit the present invention to
customer identification [data] entered through a customer or
store terminal. For example, after the August 28 Amendment, the
"customer identification" could be entered through a customer or
store terminal (as recited in claim 1 before the August 28
Amendment was filed) or through another mode which the amended
recitation of claim 1 does not preclude.

Further, the Examiner's Official Notice of the equivalence of display devices is traversed. Display devices may not be equivalent in that some types provide for display of user-entered data, while others do not.

Vela discloses a shoppers communication system and processes relating to the shoppers communication system. In the Vela apparatus, a communication system for a marketing area locates a light signal generating system and a master computer at a control center and delivers message-bearing light signals over optical channels to predetermined subdivisions of the marketing area. Vela discloses a relay unit 27, as a visual display, on a shopping cart 28. However, the visual display of Vela does not appear to provide the ability to input customer identification or to display any information particular to a specific customer as in the present invention. Further, the Vela apparatus displays only general information (refer to Figures 12-18 of Vela) which differs depending upon which "zone" that the relay unit 27 is within in a store (refer to Vela, col. 36, at line 63 through col. 40 at line 49).

The combination, then, of the disclosures of Girouard and Vela is a computer system and method for automating advertising and promotional campaigns in a mall, in which service points are separately accumulated for each shopper, and which displays to the shopper general information depending upon which zone of a store the shopper is shopping in, without input from the shopper.

Claims 2, 3, and 11 are amended to depend from claim 1.

Independent claims 1, 54, and 56-63 are amended to recite the above-mentioned patentably distinguishing features of the present invention over the foregoing references relied upon. In particular, each of the foregoing independent claims are amended to recite (using the recitation of claim 1 as an example) the following limitations:

(1)   "point accumulation means for calculating and
       accumulating the issued points for more than two
       events"; and

(2)   "wherein the point issue means comprises rate
       management means for changing a point calculation
       rate according to each of the more than two
       events".

Also by way of example, claim 1 of the present application
recites "A point management system employing a computer for
managing points issued to each customer who receives service
according to the issued points". The point management system
recited in claim 1 comprises "point issue means for issuing the
points to the customer according to transactions performed by the
customer", "point accumulation means for calculating and
accumulating the issued points for more than two events", "point
notification means for notifying the customer of the point
information comprising the issued points", and "customer
identification means for identifying the customer according to
the customer identification, wherein the point issue means
comprises rate management means for changing a point calculation
rate according to each of the more than two events".

In addition, claim 54 of the present application recites the
further limitation of "wherein the point notification means
notifies the customer of the point information before the
customer carries out transactions".

Claim 56 of the present application recites "A point
management system comprising a computer and managing points
issued to each customer, each customer receiving service
according to the issued points" comprising "means for
accumulating points issued to each, respective customer for more
than two events", "rate management means for changing a point
calculation rate according to each of the more than two events",
and "means for notifying each customer of the points issued to

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each, respective customer before each, respective customer
carries out a transaction".

Each of independent apparatus claims 57-59 and independent
method claims 60-63 recite similar limitations as claim 56.

The benefit of the foregoing "rate management means" of the
present invention (recited in independent claims 1, 54, and 56-
63) is that the present invention allows points from different
types of service events to be counted into one accumulator of
service points, in contrast to the foregoing references relied
upon.

Claims 2, 3, 11, 13-18, 21, 22, 31, 40-53, 55, and 64
depend, either directly or indirectly, from one of the above-
mentioned independent claims, and recite further patentably
distinguishing features of their own. For example, claim 2/1
recites "wherein the point notification means notifies the
customer of the point information as primary data through the
customer terminal as soon as the customer terminal is turned ON".
The benefit of the features recited in claim 2/1 is that the
customer does not have to wait to carry out a transaction before
being notified of the customer's point information.

Also by way of example, claim 13/11 recites that the "point
notification means" displays "a graph of cumulative points and
target points". The benefit of the features recited in claim
13/11 is that the customer is shown graphically the points needed
to reach the customer's target.

Withdrawal of the rejections of claims 1-3, 11, 13-18, 21,
22, 31, 40-42, and 45-63 under 35 U.S.C. §103 as being
unpatentable over Girouard et al., U.S. Patent No. 4,892,346, and
claims 43, 44, and 64 under 35 U.S.C. §103 as being unpatentable
over Girouard et al in view of Vela et al., U.S. Patent No.
4,882,724 is respectfully requested.

The Examiner is respectfully requested to enter the above-
mentioned amendments to the claims under 37 C.F.R. §1.116 because

same clarify the patentably distinguishing features of the present invention over the foregoing references relied upon, without broadening the scope of the claims.

CONCLUSION

The foregoing rejections having been overcome, the application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

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